

Message Text

PAGE 01 STATE 295770

53

ORIGIN NEA-10

INFO OCT-01 SS-15 SP-02 L-03 PM-04 DHA-02 MC-02 IGA-02

EB-07 IO-13 H-02 CIAE-00 INR-07 NSAE-00 MCT-01 ORM-02

DODE-00 NSC-05 PA-01 PRS-01 USIA-06 AID-05 TRSE-00

ISO-00 /091 R

NEA/IAI:GDKULICK:LLC

APPROVED BY NEA/IAI:WBSMITH

NEA/RA:JMATTSON

L/HR/MR RUNYON(DRAFT)

S/P/MR AUSTIN(DRAFT)

S/S-O:CLMACK

D/HA-MR WILSON(DRAFT)

L/PM-MR BOREK(DRAFT)

T-MR BARTLEY(DRAFT)

----- 013239

P 040317Z DEC 76

FM SECSTATE WASHDC

TO AMEMBASSY TEL AVIV

C O N F I D E N T I A L STATE 295770

C O R R E C T E D C O P Y (PARA 2 ARTICLE 11 SUBPARA B LINE

OMIT ORIG XMIT)

E.O. 11652: GDS

TAGS: SHUM MASS

SUBJECT: CLEARANCE OF DRAFT HUMAN RIGHTS OBSERVANCE REPORT

REF: STATE 231122

1. SECTION 502B OF FOREIGN ASSISTANCE ACT OF 1961 AS
AMENDED BY THE INTERNATIONAL SECURITY ASSISTANCE ACT AND
ARMS EXPORT CONTROL ACT OF 1976 STATES IN PARAGRAPH 502B(B)
CONFIDENTIAL

PAGE 02 STATE 295770

THAT "SECRETARY OF STATE SHALL TRANSMIT TO THE CONGRESS,
AS PART OF THE PRESENTATION MATERIALS FOR SECURITY ASSIS-
TANCE PROGRAMS PROPOSED FOR EACH YEAR, A FULL AND COMPLETE
REPORT....WITH RESPECT TO PRACTICES REGARDING THE OBSERV-

ANCES OF AND RESPECT FOR INTERNATIONALLY RECOGNIZED HUMAN RIGHTS IN EACH COUNTRY PROPOSED AS A RECIPIENT OF SECURITY ASSISTANCE." PARAGRAPH (D) (2) OF SECTION 502B AS AMENDED DEFINES "SECURITY ASSISTANCE" TO INCLUDE SECURITY SUPPORTING ASSISTANCE, FMS, CERTAIN COMMERCIAL SALES, CREDITS AND OTHER PROGRAMS. THE FULL TEXT OF THE AMENDED SECTION 502B WAS TRANSMITTED BY THE REFTEL.

2. AS INDICATED IN REFTEL, DEPARTMENT HAS BEEN COLLECTING AND PREPARING INFORMATION ON HUMAN RIGHTS SITUATIONS IN SECURITY ASSISTANCE RECIPIENT COUNTRIES IN ANTICIPATION OF SUBMITTING IT TO CONGRESS EARLY NEXT YEAR AS PART OF CONGRESSIONAL PRESENTATION DOCUMENT (CPD) ON SECURITY ASSISTANCE. HUMAN RIGHTS REPORTING FROM OVERSEAS POSTS, INFORMATION FROM NON-GOVERNMENTAL ORGANIZATIONS SUCH AS INTERNATIONAL COMMISSION OF JURISTS, AMNESTY INTERNATIONAL AND FREEDOM HOUSE, REPORTS BY INTERNATIONAL ORGANIZATIONS AND CONGRESSIONAL HEARINGS ON HUMAN RIGHTS HAVE BEEN COMPILED IN A DRAFT HUMAN RIGHTS OBSERVANCE REPORT ON EACH SECURITY ASSISTANCE RECIPIENT COUNTRY. THE DRAFT REPORT ON ISRAEL IS TRANSMITTED BELOW.

3. DRAFT REPORT FOLLOWS STANDARD FORMAT CALLING FOR DESCRIPTION OF POLITICAL AND LEGAL SITUATION IN COUNTRY, DESCRIPTIVE STATEMENT OF ACTUAL OBSERVANCE OF RIGHTS AND FREEDOMS IN UNIVERSAL DECLARATION OF HUMAN RIGHTS. WITH SPECIFIC ATTENTION TO MATTERS SPECIFIED IN THE INCLUSION CLAUSE OF PARAGRAPH (D) (1) OF SECTION 502B AS AMENDED, AND REFLECTION OF OTHER HUMAN RIGHTS REPORTING. TEXT OF DECLARATION WAS TRANSMITTED TO THE FIELD AS ENCLOSURE TO 75 STATE A-1045.

DRAFT REPORT HAS BEEN PARTIALLY CLEARED IN DEPARTMENT AND IS BEING USED INTERNALLY IN CURRENT REVIEW OF PROPOSED PROGRAMS FOR FY 1978. BEFORE FINAL CLEARANCE IN DEPARTMENT CAN BE OBTAINED FOR DRAFT REPORT'S INCLUSION IN THE CPD AS AN UNCLASSIFIED DOCUMENT (WHICH MAY BE PUBLICLY DISCONFIDENTIAL

PAGE 03 STATE 295770

CLOSED IF CONGRESS SO CHOOSES), THE DEPARTMENT REQUESTS THE EMBASSY TO CAREFULLY REVIEW, CORRECT, UPDATE AND CLEAR THE DRAFT. (UNTIL THE DRAFT IS CLEARED FOR RELEASE, HOWEVER, IT REMAINS A WORKING DOCUMENT CLASSIFIED CONFIDENTIAL UNDER THE PROVISIONS OF EXECUTIVE ORDER 11652.)

IN CONSIDERING ITS REVIEW, EMBASSY SHOULD ENSURE THAT THE INFORMATION IN THE DRAFT CONSTITUTES A "FULL AND COMPLETE REPORT--WITH RESPECT TO PRACTICES REGARDING THE OBSERVANCE OF HUMAN RIGHTS" IN ISRAEL, AS REQUIRED IN SECTION 502B (B) AS AMENDED.

REQUESTED ACTION:

THE EMBASSY IS REQUESTED TO URGENTLY REVIEW THE ENCLOSED DRAFT AND PROVIDE COMMENTS, SUGGESTED REVISIONS, UPDATING INFORMATION, ADDITIONAL INFORMATION IN SATISFACTION OF THE REQUIREMENTS OF SECTION 502B(B) AS AMENDED. REGRET SHORT DEADLINE, BUT REPLY NEEDED BY COB DECEMBER 6. FOLLOWING IS TEXT OF DRAFT HUMAN RIGHTS REPORT ON ISRAEL:

I. POLITICAL SITUATION

ISRAEL IS A PARLIAMENTARY DEMOCRACY. ITS PRESIDENT IS THE CHIEF OF STATE WITH LARGELY CEREMONIAL RESPONSIBILITIES. THE PRIME MINISTER HEADS THE GOVERNMENT WHICH IS ANSWERABLE TO THE KNESSET, OR PARLIAMENT, IN WHICH, TRADITIONALLY, COALITIONS OF PARTIES LED BY THE LABOR PARTY HAVE GOVERNED.

THE PERPETUAL STATE OF BELLIGERENCY BETWEEN ISRAEL AND ITS ARAB NEIGHBORS SINCE ISRAEL ACHIEVED INDEPENDENCE IN 1948 HAS BEEN PUNCTUATED BY FULL-SCALE WARS IN 1948-49, 1956, 1967 AND 1973. IN THE SIX-DAY WAR IN 1967, ISRAEL OCCUPIED THE WEST BANK, THE GOLAN HEIGHTS, THE GAZA STRIP AND THE SINAI.

THE OCTOBER 1973 WAR, WHILE A MILITARY VICTORY FOR ISRAEL, RESULTED IN A NEW POLITICAL SITUATION. THE RESULTS OF THE 1973 WAR WERE SUFFICIENTLY INCONCLUSIVE, AND ARAB POLITICAL POWER SUFFICIENTLY DEMONSTRATED, TO PROVIDE AN ENVIRONMENT IN WHICH FOR THE FIRST TIME POLITICAL INITIATIVES TOWARDS
CONFIDENTIAL

PAGE 04 STATE 295770

RESOLVING THE ARAB-ISRAELI DISPUTE BECAME POSSIBLE. THESE LARGELY AMERICAN-INSPIRED INITIATIVES LED TO TWO DISENGAGEMENT AGREEMENTS WITH EGYPT, IN JANUARY 1974 AND SEPTEMBER 1975 AND A DISENGAGEMENT AGREEMENT WITH SYRIA IN MAY 1974. HOWEVER, DESPITE THE VARIOUS AGREEMENTS, ISRAEL HAS REMAINED IN CONTROL OF SUBSTANTIALLY ALL THE OCCUPIED TERRITORIES ACQUIRED AFTER JUNE 1967.

THE OCCUPATION OF THESE ARAB-POPULATED AREAS HAS EXACERBATED CRITICISM OF ISRAEL IN THE UNITED NATIONS AND OTHER INTERNATIONAL FORUMS.

II. LEGAL SITUATION

ISRAELI LAW AND PRACTICE PROVIDE FOR ALL THE RIGHTS AND LIBERTIES TRADITIONAL IN WESTERN DEMOCRACIES. ITS INTERNAL PRACTICES ACCORD GENERALLY WITH STANDARDS OBSERVED IN WESTERN DEMOCRACIES. AN INDEPENDENT JUDICIARY ADJUDICATES CRIMINAL AND CIVIL LAW, WHILE RELIGIOUS MATTERS, WHICH INCLUDE IN SOME CASES MATTERS NORMALLY UNDER THE PURVIEW OF CIVIL COURTS IN THE U.S., FALL UNDER THE JURISDICTION OF RELIGIOUS COURTS.

THE SITUATION REGARDING THE OCCUPIED TERRITORIES IS SOMEWHAT DIFFERENT BECAUSE OF THE INEVITABLE TENSION BETWEEN THE OCCUPYING AUTHORITIES AND THE INDIGENOUS POPULATION AND THE CONSTANT SECURITY THREAT POSED BY CLANDESTINE DISSIDENT GROUPS. THE OCCUPIED TERRITORIES ARE UNDER MILITARY GOVERNMENT AND THEIR ADMINISTRATION IS CONSIDERED BY THE UNITED NATIONS TO BE GOVERNED BY THE STIPULATIONS OF THE FOURTH GENEVA CONVENTION REGARDING OCCUPIED TERRITORIES, AN INTERPRETATION ISRAEL HAS CONTESTED. NEVERTHELESS, JORDANIAN LAW--AS REQUIRED BY THE CONVENTION--IS APPLIED ON THE WEST BANK. THE WEST BANK HAS AN INDIGENOUS JUDICIARY (THE SAME THAT IT HAD BEFORE ITS OCCUPATION), WHICH APPLIES JORDANIAN LAW IN BOTH CRIMINAL AND CIVIL MATTERS. SECURITY OFFENSES ARE SUBJECT TO TRIAL BY ISRAELI MILITARY TRIBUNALS.

UNDER JORDANIAN EMERGENCY LEGISLATION THAT WAS IN FORCE WHEN ISRAEL OCCUPIED ARAB TERRITORIES IN 1967, WHICH ISRAEL CONFIDENTIAL

PAGE 05 STATE 295770

CONTINUES TO APPLY, THE MILITARY AUTHORITIES CAN ISSUE ORDERS TO HAVE PERSONS ARRESTED AND DETAINED ON SECURITY GROUNDS WITHOUT BEING FORMALLY CHARGED OR TRIED. TERMS OF DETENTION ARE COMMONLY SIX MONTHS, BUT SINCE DETENTION IS RENEWABLE, A DETAINEE CAN BE HELD ON SECURITY GROUNDS MORE OR LESS INDEFINITELY UNDER THIS SYSTEM.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON.

ARTICLE 3: HUMAN RIGHTS RELATING TO LIFE, LIBERTY AND THE SECURITY OF PERSON ARE OBSERVED IN ISRAEL PROPER, ALTHOUGH ALLEGATIONS OF VIOLATIONS OF THE RIGHTS OF THE ARAB MINORITY IN THIS RESPECT HAVE BEEN MADE. CHARGES THAT VIOLATIONS HAVE OCCURRED IN THE OCCUPIED AREAS HAVE ALSO BEEN MADE. IN AN EFFORT TO CONTROL TERRORISM, FOR EXAMPLE, ISRAELI DEFENSE FORCES HAVE IN THE PAST BLOWN UP HOUSES SUSPECTED OF HARBORING TERRORISTS, ALTHOUGH THIS IS NOW DONE ONLY RARELY.

ARTICLE 5: THERE HAVE BEEN CHARGES THAT ISRAELI AUTHORITIES HAVE ENGAGED IN TORTURE AND INHUMANE TREATMENT IN ATTEMPTING TO PRESERVE ORDER IN THE OCCUPIED TERRITORIES. SUCH ACTIONS APPEAR TO HAVE OCCURRED ONLY RARELY IN INDIVIDUAL CASES AND DO NOT APPEAR TO REFLECT OFFICIAL ISRAELI POLICY. AS REGARDS PRISON CONDITIONS IN THE OCCUPIED TERRITORIES, A RECENT INTERNATIONAL RED CROSS INSPECTION OF ALL PERSONS UNDER ISRAELI CONTROL FOUND THAT

PRISONERS ARE LIVING UNDER SATISFACTORY CONDITIONS.

ARTICLE 8: ISRAELIS HAVE ACCESS TO THE COURTS IF THEIR CONSTITUTIONAL RIGHTS ARE VIOLATED. RESIDENTS OF THE OCCUPIED TERRITORIES CAN APPEAL TO THE MILITARY AUTHORITIES FOR REDRESS OF THEIR COMPLAINTS BUT THERE IS NO EFFECTIVE JUDICIAL REMEDY AVAILABLE TO ADMINISTRATIVE DETAINEES IN THE OCCUPIED TERRITORIES WHO COMPLAIN THAT THEIR RIGHTS HAVE BEEN VIOLATED.

CONFIDENTIAL

PAGE 06 STATE 295770

ARTICLE 9: DUE PROCESS GUARANTEES ARE OBSERVED IN ISRAEL PROPER, BUT ATTENTION HAS BEEN CALLED TO ARBITRARY ARREST AND DETENTION OF SUSPECTED ARAB TERRORISTS OR AGITATORS IN THE OCCUPIED AREAS. WHILE ISRAELI LAW DOES NOT PROVIDE FOR EXILE AS A PUNISHMENT, ISRAELI AUTHORITIES HAVE ON OCCASION DEPORTED OR EXPELLED RESIDENTS OF THE WEST BANK AND THE GAZA STRIP.

ARTICLE 10: FAIR HEARINGS BY IMPARTIAL TRIBUNALS ARE OBSERVED IN ISRAEL PROPER. HOWEVER, THERE HAVE BEEN CHARGES OF SUMMARY PROCEEDINGS AGAINST SUSPECTED TERRORISTS AND PALESTINIAN ACTIVISTS ON THE WEST BANK.

ARTICLE 11: THE PRINCIPLE OF FAIR TRIAL IS OBSERVED IN ISRAEL PROPER. HOWEVER, AS REGARDS THE OCCUPIED TERRITORIES, THERE ARE PROVISIONS FOR ADMINISTRATIVE DETENTION AS NOTED IN SECTION II UNDER WHICH DETAINEES ARRESTED ON SECURITY CHARGES CAN BE HELD WITHOUT BEING TRIED OR CHARGED.

B. OTHER IMPORTANT FREEDOMS

ISRAEL'S ARAB MINORITY, THOUGH EQUAL UNDER THE LAW, HAS NOT ALWAYS ENJOYED IN PRACTICE THE SAME QUALITIES OF CITIZENSHIP OR CIVIL RIGHTS OF OTHER ISRAELIS. THESE INEQUITIES HAVE LED TO CHARGES OF DISCRIMINATION.

MOVEMENT WITHIN THE COUNTRY AND TRAVEL ABROAD ARE GENERALLY FREE, ALTHOUGH

FOREIGN TRAVEL OF ALL

ISRAELIS IS TAXED FOR ECONOMIC REASONS. ISRAELI CITIZENS ARE FREE TO OWN PROPERTY. THERE HAVE, HOWEVER, BEEN ARAB COMPLAINTS REGARDING GOVERNMENT EXPROPRIATION OF LAND AND CHARGES AS WELL OF EXPROPRIATION WITHOUT ADEQUATE COMPENSATION. THERE IS FREEDOM OF RELIGION IN ISRAEL AND EACH RELIGIOUS COMMUNITY REGULATES ITS OWN PRACTICES. THERE IS GENERAL FREEDOM OF EXPRESSION, OPINION, AND ASSEMBLY. THE GOVERNMENT RESERVES THE RIGHT TO CONTROL PUBLIC

ASSEMBLIES AND PARADES AND ALSO HAS PROVISIONS FOR CENSORSHIP. NEVERTHELESS, BOTH THE HEBREW AND ARABIC PRESS ARE

CONFIDENTIAL

PAGE 07 STATE 295770

FREE AND EXPRESS A WIDE VARIETY OF OPINIONS. POLITICAL FREEDOM IS GUARANTEED FOR ALL SHADES OF POLITICAL VIEWS. RECENT ELECTIONS ON THE WEST BANK, FOR EXAMPLE, HAVE RETURNED AN ARAB NATIONALIST LEADERSHIP BASICALLY HOSTILE TO ISRAEL'S OCCUPATION; ISRAEL REGARDS THAT LEADERSHIP AS FREELY ELECTED AND THUS DULY CONSTITUTED AND LEGITIMATE.

IV. OTHER HUMAN RIGHTS REPORTING

AMNESTY INTERNATIONAL'S 1974-75 ANNUAL REPORT INCLUDED AN APPEAL TO THE ISRAELI GOVERNMENT TO TERMINATE TWO ASPECTS OF ITS ADMINISTRATION OF THE WEST BANK, NAMELY, DEPORTATION AND ADMINISTRATIVE DETENTION OF PRISONERS. THE 1974 AMNESTY REPORT ON TORTURE INCLUDED ALLEGATIONS OF TORTURE IN THE PERIOD 1968 TO 1973.

A RECENT INTERNATIONAL RED CROSS INSPECTION OF PRISON CONDITIONS REPORTS A TOTAL PRISON POPULATION FOR ALL AREAS UNDER ISRAELI CONTROL OF 3,000-4,000 PEOPLE, LIVING UNDER SATISFACTORY CONDITIONS.

THERE HAVE BEEN NUMEROUS REPORTS AND RESOLUTIONS ADOPTED IN VARIOUS UN FORUMS AND IN OTHER MULTILATERAL ORGANIZATIONS CONDEMNING ISRAELI POLICIES AND PRACTICES IN THE OCCUPIED TERRITORIES. THE UNITED STATES HAS VOTED AGAINST ADOPTION OF THESE RESOLUTIONS, WHICH WE REGARD AS ONE-SIDED AND POLITICALLY INSPIRED, EXCEPT WHEN IT HAS JOINED IN DEPLORING ISRAEL'S FAILURE TO APPLY CERTAIN PORTIONS OF THE 1949 GENEVA CONVENTION ON THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR.

ON FEBRUARY 13, 1976, THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, AS IT HAS IN PAST YEARS, ADOPTED A RESOLUTION CONDEMNING ISRAELI POLICIES AND PRACTICES IN THE OCCUPIED AREAS WHICH IT TERMED VIOLATIONS OF THE HUMAN RIGHTS OF THE INHABITANTS. THE UNITED STATES FOR THE ABOVE-STATED REASONS VOTED AGAINST THE RESOLUTION.

FREEDOM HOUSE LISTS ISRAEL AS "FREE". KISSINGER

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 16 SEP 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, HUMAN RIGHTS, ECONOMIC ASSISTANCE, MILITARY ASSISTANCE, SHUM MASS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE295770
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: D760448-1150
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761293/baaaeqv.v.tel
Line Count: 316
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 14 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 MAY 2004 by woolflhd>; APPROVED <07 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CLEARANCE OF DRAFT HUMAN RIGHTS OBSERVANCE REPORT
TAGS: SHUM, MASS
To: TEL AVIV
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006